

**Weil, Gotshal & Manges LLP**

BY ECF

767 Fifth Avenue  
New York, NY 10153-0119  
+1 212 310 8000 tel  
+1 212 310 8007 fax

March 14, 2023

Honorable Lewis J. Liman  
United States District Court for the Southern District of New York  
Daniel Patrick Moynihan United State Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: Tobias Moeller-Bertram v. Gemini Trust Co., LLC, et al., No. 1:23-cv-02027 (S.D.N.Y.)

Dear Judge Liman:

Counsel for Defendant Digital Currency Group, Inc. (“DCG”) and counsel for Plaintiff Tobias Moeller-Bertram respectfully submit this unopposed joint letter-motion and Stipulation and Proposed Order requesting to stay DCG’s time to answer, move, or otherwise respond to the Complaint in the above-referenced action (the “Action”) until after this Court resolves Plaintiff’s anticipated motion to remand.<sup>1</sup>

On February 22, 2023, Plaintiff commenced the Action by filing a complaint asserting claims under the Securities Act of 1933 in the Supreme Court of the State of New York (Case No. 151710/2023). *See* Dkt. No. 1, Ex. A (the “Complaint”). On March 9, 2023, DCG timely filed a notice of removal of this Action to this Court under 28 U.S.C. §§ 1332, 1334, 1446, 1452, and 1453. *See* Dkt. No. 1. Pursuant to Fed. R. Civ. P. 81, the current deadline for Defendants to answer, move, or otherwise respond to the Complaint is March 16, 2023.<sup>2</sup>

On March 13, 2023, Plaintiff’s counsel informed counsel for DCG that Plaintiff anticipates filing a motion to remand the Action to the Supreme Court of the State of New York, New York County. Both parties agree that it makes sense to address that threshold issue at the outset before Rule 12(b) motion practice. Accordingly, counsel for DCG and counsel for Plaintiff have agreed, subject to the Court’s

---

<sup>1</sup> Counsel for DCG also conferred with counsel for Defendant Gemini Trust Company, LLC (“Gemini”), and Gemini does not oppose DCG’s request for an extension until after the remand motion.

<sup>2</sup> Defendants’ respective registered agents received service of the Summons and Complaint on February 23, 2023. *See* Dkt. No. 1, Ex. A.

approval, to defer DCG's response to the Complaint until after the Court decides Plaintiff's anticipated motion.

This is DCG's first request for an extension of time. The requested extension does not affect any other scheduled dates set forth in any Court order, as the Court has not yet issued any such orders. An extension of time will best serve the interests of judicial economy and efficiency, and there will be no prejudice to the parties if the extension is granted, as it will not delay or interrupt the orderly progression of this action.

Accordingly, the undersigned counsel respectfully request that the Court enter an Order extending DCG's time to answer, move, or otherwise respond to the Complaint, as indicated in Exhibit A.

Respectfully Submitted,

/s/ Jonathan D. Polkes

WEIL, GOTSHAL & MANGES LLP

Jonathan D. Polkes

Caroline H. Zalka

767 5th Avenue

New York, NY 10153-0119

Telephone: (212) 310-8000

Facsimile: (212) 310-8007

Email: jonathan.polkes@weil.com

Email: caroline.zalka@weil.com

*Attorneys for Defendant Digital Currency  
Group, Inc.*

/s/ Hung G. Ta

HGT LAW

Hung G. Ta, Esq.

JooYun Kim, Esq.

Natalia D. Williams, Esq.

250 Park Avenue, 7th Floor

New York, New York 10177

Tel: (646) 453-7288

Fax: (646) 453-7289

Email: hta@hgtlaw.com

Email: jooyun@hgtlaw.com

Email: natalia@hgtlaw.com

*Attorneys for Plaintiff Tobias Moeller-Bertram*